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Attorneys for Defendant Bank of America, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES DOMINICK LOMBINO, an)
individual,)

Plaintiff,)

vs.)

BANK OF AMERICA, NT&SA, a U.S.)
Chartered Corporation, CITIBANK,)
N.A., a National Banking Association;)
SHAWN ABERMAN, an individual,)

Defendants.)

CASE NO.: 2:09-CV-00036-LDG-RJJ

BANK OF AMERICA, N.A., a national)
association,)

Counterclaimant,)

vs.)

CHARLES DOMINICK LOMBINO, an)
individual,)

Counter-Defendant.)

NOTICE OF FILING PROPOSED PRETRIAL ORDER

Defendants Bank of America, N.A. (“Bank of America” or the “Bank”) and Shawn
Aberman hereby submit this Pretrial Order pursuant to the Court’s Scheduling Order dated
March 2, 2009. Undersigned counsel has been had difficulty communicating with Plaintiff
to secure and finalize a Joint Pretrial Order, thus this is being submitted by Defendants
only.

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Undersigned counsel contacted Plaintiff's counsel last week to obtain his initial draft of a proposed Joint Pretrial Order. After no response was received, undersigned counsel again this morning to about the Court's deadline to provide a Joint Pretrial Order. At approximately 1:30 on September 8, 2009, undersigned counsel received an e-mail from Plaintiff with a very rough draft of a Joint Pretrial Order. At approximately 3:00 p.m., Defendants provided their proposed revisions, changes and additions to Plaintiff. Plaintiff did not respond or contact undersign counsel regarding the proposed changes. Attached hereto are the communications between the parties regarding the Joint Pretrial Order.

Also, on August 5, 2009, the parties submitted a proposed First Amended Discovery Plan/Scheduling Order, which proposed a new date, specifically April 8, 2010, for the Pretrial Order. Upon information and belief, the Court has not signed that amended Scheduling Order. Therefore, in an attempt to comply with the Court's existing Scheduling Order dated March 2, 2009, Defendants hereby submit the attached Pretrial Order.

DATED this 8th day of September, 2009.

POLI & BALL, P.L.C.

By /s/ Jody L. Buzicky
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 Attorneys for Defendant Bank of America, N.A.
 and Defendant Shawn Aberman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via facsimile and First Class Mail this 8th day of September, 2009, to:

Charles Dominick Lombino
LOMBINO LAW STUDIO, LTD.
2421 Enchantment Circle
Henderson, Nevada 89074
Plaintiff Pro Per

/s/ Vicki L. Morgan
An employee of POLI & BALL, P.L.C.

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